

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

KEITH A. PIERCE,

Debtor

KEITH A. PIERCE,

Movant

v.

BARBARA PIERCE, ERIE CITY TREASURER,
ERIE COUNTY TAX CLAIM BUREAU,
ERIE WATER WORKS, and RONDA J.
WINNECOUR, Chapter 13 Trustee,
Respondents

CHAPTER 13

CASE NO. 22-10434 GLT

FILED

12/1/22 4:22 pm

CLERK

U.S. BANKRUPTCY
COURT - WDPA

Related to Dkt. No. 27

HEARING DATE: NOVEMBER 30, 2022

HEARING TIME: 10:30 A.M.

MODIFIED ORDER CONFIRMING PRIVATE SALE OF REAL ESTATE
FREE AND DIVESTED OF LIENS

AND NOW, this 1st day of December 2022, upon consideration of the KEITH A. PIERCE, the Motion for the Sale of Real Estate, Free and Divested of Liens, to Madeline Morganti and Michael Morganti for the sum of \$40,000.00, after hearing held in the Bankruptcy Courtroom A, 54th Floor U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA, 15219., this date, the Court finds:

(1) The service of the Notice of Hearing and Order setting hearing on said Motion for Private Sale of Real Property Free and Divested of Liens, of the above named Respondents, was effected on the following secured creditors, whose liens or interests are recited in said Motion for Private Sale, viz:

<u>DATE OF SERVICE</u>	<u>NAME OF LIEN HOLDER</u>
October 28, 2022	Barbara Pierce 3063 West 11 th Street, #9 Erie, PA 16505
October 28, 2022	Erie County Tax Claim Bureau Erie County Courthouse 140 West 6 th Street, Room 110 Erie, PA 16501
October 28, 2022	Erie City Treasurer Erie City Hall 626 State Street Erie, PA 16501
October 28, 2022	Erie Water Works 340 West Bayfront Parkway Erie, PA 16507

October 28, 2022

Ronda J. Winnecour, Esquire
Chapter 13 Standing Trustee, WD of PA
Suite 3250, USX Tower
600 Grant Street
Pittsburgh, PA 15219
Email: cmech@chapter13trusteewdp.com

(2) That sufficient general notice of said sale hearing and sale, together with the confirmation hearing thereon, was given to the creditors and the parties in interest by the Movant as shown by the Certificate of Service duly filed and that the named parties were duly served with the Motion..

(3) That said sale hearing was duly advertised in THE ERIE TIMES NEWS on NOVEMBER 15, 2022, and in THE ERIE COUNTY LEGAL JOURNAL on NOVEMBER 18, 2022, as shown by the Proof of Publication duly filed and placed on the EASI BANKRUPTCY COURT SALE WEBSITE on OCTOBER 28, 2022.

(4) That at the sale hearing, the highest/best offer received was that of the above Purchaser(s) and no objections to the sale were made which would result in cancellation of said sale.

(5) That the price of \$40,000.00, offered by Madeline Morganti and Michael Morganti for the sum of \$40,000.00 was a full and fair price for the property in question.

(6) That the purchaser(s) has acted in good faith with respect to the within sale in accordance with In Re: Abbotts Dairies of Pennsylvania, Inc., 788 F2d. 143, (3d Cir. 1986).

NOW THEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED, that the sale by Special Warranty Deed of the real property described as:

All that certain piece or parcel of land situate in the City of Erie, County of Erie and Commonwealth of Pennsylvania, bounded and described as follows, to-wit: BEGINNING at a point in the north line of 10th Street, one hundred two and one-fourth (102 $\frac{1}{4}$) feet east of the east line of Weschler Avenue; thence northwardly parallel with Weschler Avenue, one hundred three (103) feet; thence eastwardly parallel with 10th Street, thirty-one and one-fourth (31 $\frac{1}{4}$) feet; thence southwardly parallel with Weschler Avenue, one hundred three (103) feet to the north line of 10th Street; thence westwardly along the north line of 10th Street, thirty-one and one-fourth (31 $\frac{1}{4}$) feet to the place of beginning. Having erected thereon a two-family frame flat, and being more commonly known as 1352 West 10th Street, Erie, PA.

for the purchase price of \$40,000.00, is hereby CONFIRMED to MADELINE MORGANTI and MICHAEL MORGANTI, free and divested of liens and claims, and, that the Movant is authorized to make, execute and deliver to the Purchaser(s) above named the necessary deed and/or other documents required to transfer the title to the property purchased upon compliance with the terms of sale;

It is FURTHER ORDERED, that the above recited liens and claims, be, and they hereby are, transferred to

the proceeds of sale, if and to the extent that they may be determined to be valid liens against the sold property, that

the within decreed sale shall be free, clear, and divested of said liens and claims;

It is FURTHER ORDERED, that the following expenses/costs shall immediately be paid at the time of closing. Failure of the Closing Agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order. The closing agent is authorized to distribute the distributions specifically authorized herein with all remaining funds to be held by Counsel for Movant pending further Order of this Court after notice and hearing:

1. 2022 Real Estate taxes owed to the Erie City Treasurer, whose address is Erie City Hall, 626 State Street, Erie, Pennsylvania 16501, in the estimated at \$2,011.31.
2. Delinquent real estate taxes owed to the Erie County Tax Claim Bureau, whose address is Erie County Courthouse, 140 West 6th Street, Room 110, Erie, PA 16501 for the years of 2012 through 2021 estimated amount of \$26,767.77.
3. Assessment for use charges, as well as the municipal lien of Erie Water Works, whose address is 340 West Bayfront Parkway, Erie, PA 16507, estimated amount of \$4,725.36.
4. Administrative fee to Ronda J. Winnecour, Esquire, Chapter 13 Trustee, whose address is Suite 3250, USX Tower, 600 Grant Street, Pittsburgh, PA 15219 in the amount of \$1,575.99.
5. Court approved retention of the realtor, RE/Max Real Estate Group, in the amount of 5% of the purchase price, pursuant to the approved listing agreement, or \$2,000.00.
6. Court approved attorneys fees and costs for all legal services pertaining to this Motion and costs incurred therein, in the amount of \$750.00, plus title report fee of \$150.00, refund of advertising costs to the ERIE TIMES NEWS, in the amount of \$485.75, and in the ERIE COUNTY LEGAL JOURNAL in the amount of \$267.75, copy fees at \$.15 per copy of \$21.00, certified charge of \$14.50 and postage costs for service of \$9.60 for service of the within Motion and Order shall be paid to Stephen H. Hutzelman, Esquire, attorney for the Debtor /Movant said fees and costs being in the total amount of \$1,014.60.
7. One percent (one half) of the real estate transfer taxes of \$400.00 (based upon \$40,000.00 sales price).
8. Any other net proceeds, if any, to Ronda J. Winnecour, Chapter 13 Trustee, PO Box 1132, Memphis, TN

9. Other: N/A

IT IS FURTHER ORDERED that:

- (1) Within seven (7) days of the date of this Order, Movant/Movant shall serve a copy of the within Order on each Defendant (i.e. each party against whom relief was sought) and its attorney of record, if any, upon any attorney or party who answered the Motion or appeared at the hearing, the attorney or party who answered the Motion or appeared at the hearing, the attorney for the Debtor, the Closing Agent, the Purchaser, and the attorney for the purchaser, if any, and file a certification of service;
- (2) Closing shall occur within thirty (30) days of this Order;
- (3) Within seven (7) days following closing, the Movant shall file a Report of Sale which shall include a copy of the HUD-1 or other Settlement Statement; and
- (3) This sale confirmation Order survives any dismissal or conversion of the within case.

Notwithstanding anything in the sale agreement to the contrary, any dispute arising between the buyer(s) and seller(s) shall be submitted to the Bankruptcy Court for adjudication or resolution, for so long as this case is pending.



GREGORY L. TADDONO
CHIEF UNITED STATES BANKRUPTCY JUDGE

cc: Trustee
Debtor
Counsel
Realtor/Broker
Office of the U.S.
Trustee

In re:
Keith A. Pierce
Debtor

Case No. 22-10434-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: auto

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Date Rcvd: Dec 01, 2022

Form ID: pdf900

Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol **Definition**

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 03, 2022:

Recip ID	Recipient Name and Address
db	+ Keith A. Pierce, 1748 Clifford Dr., Erie, PA 16505-2806
r	+ Mary Magorien, Howard Hanna Real Estate Services, 3738 Sterrettania Road, Erie, PA 16506-2829

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 03, 2022

Signature: _____

/s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 1, 2022 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bnicholas@kmllawgroup.com
Maribeth Thomas	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION mthomas@tuckerlaw.com, maribeth.thomas@gmail.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecl@chapter13trusteedpa.com
Stephen H. Hutzelman	on behalf of Debtor Keith A. Pierce stephen@hh-legal.com shutzelman@ecf.inforuptcy.com;ann@hh-legal.com

District/off: 0315-1

User: auto

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Date Rcvd: Dec 01, 2022

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Total Noticed: 2

TOTAL: 5